



# Development Services Director AAS & Interpretation for Mallard Bay

Applicable Code Sections: 18.07.040 Building Setbacks; and, Section 18.07.050 Impervious Surfaces

- A. **Authority:** 18.01.050 Authority and vested rights. Unless otherwise noted in this Code, the Development Services Department Director or his or her designee shall be responsible for administering this Code. The Development Services Director or his or her designee shall have the authority to interpret this Code. Anyone may request an interpretation of this Code by filing a written request with the Permit Center. The Development Services Director or his or her designee shall respond, in writing, to all requests for a Code interpretation. Clarifying language of one interpretation of this Code may be used for another interpretation of this Code.
- B. **Request:** For a property zoned MF-H where the property will be subdivided for single-family residences, consider building setbacks and impervious surfaces to be evaluated on the larger parcel and not on a lot-by-lot basis.
- C. **Evaluation:**  
18.07.040 Setbacks.

**Purpose:** The purpose of setbacks is to provide light, air, emergency access, fire protection, buffers between adjoining uses, separation from adjoining lots, and frontage.

**Measured:** Setbacks are measured from the right-of-way, or from an abutting property line. When two (2) different standards apply to front, rear or side setbacks, the more restrictive setback shall be required.

IMC 18.07.330 allows for the Administrative Adjustment of setbacks for the purposes of maximizing solar access, allowing zero lot line or semi-detached housing, responding to the physical features of the site, permitting flexibility in design, allowing development consistent with the character of the area. Approval criteria include: compatibility, consistency, consistency with the zoning district, impacts, intent, and impervious surface ratio.

The parcel is encumbered by non-buildable critical areas to the south, permanent open space to the east, multi-family residential to the west, and a sewer station to the north. Adjustment of interior setbacks within the property will not be perceived by any adjacent parcel owners and will not result in the development being out-of-character with the intended use of the property. As this parcel is zoned for multi-family residential development, the perimeter building setbacks shall be retained and the interior building setbacks will be determined based on fire separation, parking, and other site requirements. The reduction in setbacks is also not being used to reduce the impervious limits (see Interpretation below). This decision is consistent with the purpose for setbacks identified above.

#### 18.07.050 Impervious Surfaces.

**Purpose:** The purpose of the impervious surface standard is to provide a balance of impervious and pervious surfaces on a lot, ensuring that adequate drainage is achieved and potential runoff of the lot is controlled. Pervious surfaces provide scenic corridors and visual relief from the built environment and provide protection for water quality and the natural environment. Where possible, pervious surfaces should be consolidated or linked so that these areas can also function as usable open space. Impervious surface standards are defined assuming no site constraints; in actuality, there may be site constraints that prevent the permitted impervious surface to be used.

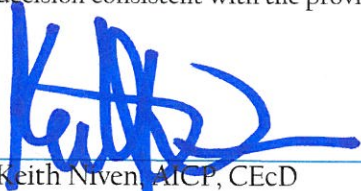
**Impervious Surface Ratio:** The impervious surface ratio is a measure of the proportion of the site occupied by impervious surfaces. The impervious surface ratio added to the pervious surface ratio equals one hundred (100) percent of the total gross site area. Gross site area includes any dedication for public right-of-way easement. Right-of-way dedications shall not be considered as impervious surface. Where possible, pervious surfaces should be consolidated or linked so that these areas can also function as usable open space.

**Impervious Surface Ratio:** =All Impervious Surface (Acres)/Gross Site Area (Acres)

The amount of impervious surface that could be built on the property under the MF-H zone is 286,751 sf (50% of the property total). The applicant proposes to subdivide the property into residential lots. Subdividing the property into separate tax parcels does not influence the stated purpose of this section of the IMC. Therefore, the City shall consider the project compliant with IMC 18.07.050 so long as the plat does not exceed 286,751 sf of impervious surface. To ensure compliance with this requirement, each lot shall be allocated a maximum sf of impervious. There will be a limiting table included on the preliminary and final plat that will note this limitation.

- D. **Decision:** Under the specific provisions evaluated in this Adjustment of Standards and Interpretation, it is the City's position that Building Setbacks will be considered along the exterior perimeter of the parcel. In addition, the impervious surface limit will be calculated on the pre-divided parcel. As part of the platting process, the Builder will be required to place restrictions on each lot to ensure the overall parcel impervious limit is not exceeded.

This Official Decision is made under the provisions of IMC 18.07.330 and 18.01.050. This Decision fully considered the letter submitted by the applicant dated 25 August 2016 (attached). Any aggrieved party may appeal this decision consistent with the provisions of IMC 18.04.250.



Keith Niven, AICP, CECd  
Development Services Director

25 Sept 16

Date

Cc.  
Lucy Sloman  
Peter Rosen  
Leo Suver, The Burnsteads

# THE BURNSTEADS

August 25<sup>th</sup>, 2016

Mr. Keith Niven, Development Services Director  
City of Issaquah  
1775 - 12<sup>th</sup> Ave N. W.  
PO Box 1307  
Issaquah, WA 98027

Re: Request for Code Interpretation  
Mallard Bay proposed single family development  
KC Parcel 162406-9007

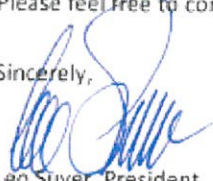
Dear Mr. Niven,

I am writing to request interpretation of IMC Development Code for several items related to our proposed single family development of the Mallard Bay property referenced above. Currently, this property is zoned MF-H. Our proposed application involves construction of approximately 34 single family residences to be platted into individual lots. We are requesting the following interpretations:

- 1) IMC 18.07.040 Building setbacks: We request interpretation that because this property is zoned as MF-H, setbacks would apply for the property, not on a lot by lot basis.
- 2) IMC 18.07.050 Impervious Surfaces: We request interpretation that because this parcel is zoned as MF-H, lot coverage should be calculated for the entire property, not on a lot by lot basis.

Please feel free to contact me directly should you require further clarification of our request.

Sincerely,

  
Leo Stiver, President  
Steve Burnstead Construction, LLC

